

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In Re:

Eihab H. Tawfik, M.D., P.A.,

Chapter 7

Case No. 3:18-bk-01164-JAF

Debtor(s).

**MOTION TO SELL PROPERTY
OF THE ESTATE “AS IS, IN ITS PRESENT CONDITION”**

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at United States Bankruptcy Court, 300 North Hogan St., Suite 3-150, Jacksonville, FL 32202, and serve a copy on the movant's attorney, *Luis E. Rivera, II, P.O. Box 1026, Fort Myers, FL 33902*, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

LUIS E. RIVERA, II, as Trustee, by and through his undersigned counsel, pursuant to 11 U.S.C. §§ 105(a) & 363, and Rule 6004, Federal Rules of Bankruptcy Procedure, moves this Court for an Order authorizing the sale and transfer of the estate's interest, if any, in certain property upon the terms and conditions set forth below, stating as follows:

1. The asset to be acquired is the Seller's right, title and interest in and to the personal property located at 610 Sycamore Street, Suite 130, Celebration, Florida, including the following (the “**Property**”):

GE Logiq P6 Ultrasound Machine (LGIQP6)
Tran sculpt machine
Eye machine
DCA Machine
Medical Scale
Refrigerator, coffee maker and other misc. office kitchen goods
Part of a x-ray machine
Misc. Medical Supplies
Misc. Office furniture
Misc Furnishings, including (1) sofa, (1) chair, and a high top tables with two chairs

2. The Trustee seeks authority to sell the estate's interest in the Property at a private sale on the following terms and conditions, with the Trustee paying the following costs at the closing of the sale:

<u>Proposed Purchaser</u>	<u>Sale Price</u>	<u>Sales Tax</u>	<u>Total Due</u>
Phycon Medical, Inc. 13325 N 56 th St. Tampa, FL 33617-1161	\$ 12,000.00	\$ 0.00	\$ 12,000.00

The Trustee is not aware of any relationship between the Proposed Purchaser and parties in interest. Additionally, the Trustee believes the selling price is fair and reasonable because, amongst other things, the property is being sold subject to any and all liens of record.

3. The estate's interest in the Property, if any, is being sold "As, Is, Where Is" with no warranties of any kind. The Trustee makes no representation or warranty of no liens. Any lienors the Trustee believes to be existing are listed below:

<u>Lienholder</u>	<u>Amount</u>	<u>Nature of Secured Interest</u>
No known liens.		

Trustee has noted all known liens. However, the Trustee has not performed a judgment or lien search. The property is being sold subject to any and all liens of record, as well as any and all easements, restrictions and reservations of record, and back taxes, if any, and current and subsequent taxes. Buyer is responsible for checking marketability of title prior to date of sale.

NOTICE: For items subject to Florida Sales tax, if an exemption or waiver is sought, a Resale or Consumer Exemption Certificate will be required upon the sale. The certificate must bear the name and address of the purchaser, the effective date and the number of the dealer's certificate of registration, and the dealer's signature. If a resale certificate is not presented when required, sales tax will be collected. The tax shall be added to the sales price and the amount of the tax shall be separately stated as Florida tax on any charge tickets, sales slips, invoices or other tangible evidence of sale, and shall be a debt from the purchaser or consumer to the Trustee. (This provision does not apply to real estate)

4. The Trustee will entertain higher bids for the purchase of the Property. Any initial overbids must (a) be in writing; (b) exceed the Total Due by at least \$500; (c) accompanied by a deposit of 100% of the initial overbid; and (d) received by the Trustee no later than the close of business on the 21st day from the date set forth on the attached proof of service, plus an additional 3 days for service if any party was served by U.S. Mail. If an overbid is received, the Trustee will conduct a telephone auction will occur among the bidders at a date and time determined by the Trustee. The Trustee may impose such other and additional terms and conditions as he determines to be in the best interest of the estate, creditors, or other parties in interest.

WHEREFORE, Trustee prays for authority to sell the above described property in accordance with the terms stated herein.

DATED: November 27, 2018.

/s/ Luis E. Rivera II

Luis E. Rivera II, Trustee
P.O. Box 1026
Fort Myers, FL 33902
(239) 254-8466
Trustee.Rivera@gray-robinson.com